

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6583

BILL NUMBER: HB 1385

NOTE PREPARED: Dec 27, 2005

BILL AMENDED:

SUBJECT: Enforcing City and Town Ordinances.

FIRST AUTHOR: Rep. Borders

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill provides that an individual not admitted to the practice of law in Indiana may be appointed to represent a city or town in ordinance violation cases in city court or town court.

Effective Date: July 1, 2006.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: Municipalities which contract on an hourly basis with local attorneys would be able to save some money if a non-attorney prosecutes the case instead. In CY 2004, individuals were prosecuted for violations of local ordinances in 56 city or town courts.

The staff person's involvement in an ordinance violation case will depend on the degree that each case is litigated. Cases involving bench trials, where witnesses are sworn and evidence is presented, would likely involve the most time for a staff person. About 2% of all cases were disposed by bench trial.

Municipal Ordinance Violations Disposed in CY 2004 by Method of Disposition		
<u>Method of Disposition</u>	<u>Number of Dispositions</u>	<u>Percent</u>
Bench Trials	708	2%
Bench Dispositions	1,291	4%
Dismissals	6,252	19%
Guilty Plea	7,624	23%
Deferred	3,055	9%
Violations Bureau	6,600	20%
Failed to Appear or Pay	3,619	11%
Other	<u>3,750</u>	<u>11%</u>
Total Dispositions	32,899	

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: City and town courts.

Information Sources: *2004 Indiana Judicial Report.*

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